

Remarks

This paper is responsive to the Office Action mailed June 24, 2010. This paper is filed with a request for a three-month extension of time.

Claims 1-24 are pending in the instant application and claims 8-15, 18-20, and 22 stand as withdrawn from consideration. In the Action, the Office objected to the specification and claim 7, rejected claims 3-7 and 17, and allowed claims 1-2, 16, 21, and 23-24. Applicant hereby amends claims 7 and 17, and cancels claims 3-6 without prejudice or disclaimer.

Objections

The Office has objected to the specification and claim 7. The Office objected to the disclosure because the explanation of Figure 6 in the Brief Description of the Drawings is lacking the sequence identifiers for the sequences which are present in the Figure. However, Applicant draws the Office's attention to the Preliminary Amendment filed on September 15, 2009 wherein Applicant amended the explanation of Figure 6 to include the sequence identifiers for the sequences which are present in the Figure. Applicant also herein amends the explanation of Figure 7 to include the appropriate sequence identifiers. Finally, Applicant has amended claim 7 as suggested by the Office.

Rejection – 35 U.S.C. § 112, first paragraph

The Office has rejected claims 3-6 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. This is a written description rejection. Applicant has canceled claims 3-6 without prejudice or disclaimer, therefore the rejection is moot.

Rejection – 35 U.S.C. § 112, second paragraph

The Office has rejected claims 7 and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 7 to recite a method of

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inducing migration and survival of vascular endothelial cells as suggested by the Office to clarify the metes and bounds of what is being claimed. Furthermore, Applicant has amended claim 17 to recite that the device or implant of claim 16 is a suture. Applicant respectfully submits that the term “suture” means more than just a stitch made with suture material as suggested by the Office. For example, a surgical suture can be defined as a medical device used to hold body tissues together after an injury or surgery. *See* en.wikipedia.org/wiki/Sutures.

Applicant respectfully submits that the claims as amended are allowable.

In the event the Commissioner should decide that any additional fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of entering or considering this document to deposit account number 03-0172.

Respectfully submitted,

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